

REMARKS

This preliminary amendment is being filed with a Request for Continued Examination. Applicants submit that this preliminary amendment provides a full and complete response to the Final Office Action dated November 20, 2003, having a shortened statutory period for response set to expire on February 20, 2004, and to the Advisory Action dated February 19, 2004. Claims 1, 4-5, 9, 12-13, 17 and 20-21 have been amended to more clearly recite aspects of the invention. New claims 30-48 have been added to more clearly recite aspects of the invention. Applicants believe no new matter has been introduced by the amendments and the new claims presented herein. The amendments and new claims have been made in a good faith effort to advance prosecution on the merits. Claims 2-3, 8, 10-11, 16 and 22-29 have been cancelled without prejudice. Applicants reserve the right to subsequently take up prosecution of the claims as originally filed in this application in a continuation, a continuation-in-part and/or a divisional application. Please reconsider the claims pending in the application for reasons discussed below.

In a telephone interview on January 16, 2004, the Examiner indicated that claims 1-21 are patentable over the references of record. Applicants appreciate the Examiner's courtesy for scheduling and conducting the interview.

Claims 1, 3-4, 9, 11-12, 17, 20-23 and 26-27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,978,202 ("Wadensweiler"). However, *Wadensweiler* does not teach or disclose a thermal shim made of a disk having a central region and an outer region, wherein the central region is made of one material and the outer region is made of another material. Rather, *Wadensweiler* proposes a thermal transfer regulator pad or ring made of a single material. *Wadensweiler* never mentions that the pad or the ring can be made of more than one material. *Wadensweiler* relies on the difference in thermal resistance between the thermal transfer regulator and the base to provide a predetermined temperature profile across a substrate surface. Consequently, claims 1, 9, 17 and 20 are patentable over *Wadensweiller*. Claims 4-7, 12-15, 18-19 and 21 are also patentable over *Wadensweiller* since they depend from claims 1, 9, 17 and 20, respectively. Claims 22-

27 have been cancelled without prejudice, thereby rendering the rejection over those claims moot. Withdrawal of the rejection is therefore respectfully requested.

Claims 5-6, 13-14, 18, 24-25 and 28-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,978,202 ("Wadensweiler") in view of Japanese Patent No. JP 09027398 ("Kobayashi"). Neither *Wadensweiller* nor *Kobayashi*, alone or in combination, teaches or discloses a thermal shim made of a disk having a central region and an outer region, wherein the central region is made of one material and the outer region is made of another material, as recited in claims 1, 9 and 17. Since claims 5-6, 13-14 and 18 respectively depend from claims 1, 9 and 17, and since neither *Wadensweiller* nor *Kobayashi*, alone or in combination, teaches, discloses or suggests all the limitations of claims 1, 9 and 17, claims 5-6, 13-14 and 18 are therefore patentable over *Wadensweiler* and *Kobayashi*. Claims 24-29 have been cancelled without prejudice, thereby rendering the rejection over those claims moot. Withdrawal of the rejection is therefore respectfully requested.

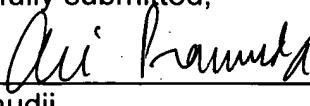
Claims 7, 15, and 19 are rejected under 35 U.S.C. 5,978,202 § 103(a) as being unpatentable over U.S. Patent No. 5,978,202 ("Wadensweiler"), in view of U.S. Patent No. 5,031,689 ("Jones"). Neither *Wadensweiller* nor *Jones*, alone or in combination, teaches or discloses a thermal shim made of a disk having a central region and an outer region, wherein the central region is made of one material and the outer region is made of another material, as recited in claims 1, 9 and 17. Since claims 7, 15, and 19 respectively depend from claims 1, 9 and 17, and since *Wadensweiller* nor *Jones*, alone or in combination, teaches, discloses or suggests all the limitations of claims 1, 9 and 17, claims 7, 15, and 19 are therefore also patentable over *Wadensweiler* and *Jones*. Withdrawal of the rejection is respectfully requested.

With regard to new claims 30-48, Applicants submit that claims 30-48 recite subject matter that is neither disclosed, taught, nor otherwise suggested by the cited references, and as such, allowance of these claims is respectfully requested.

In conclusion, the references cited by the Examiner, neither alone nor in combination, teach, show, or suggest the claimed method or apparatus. Having addressed all issues set out in the office action, Applicants respectfully submit that the

claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,


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